

CITY OF MUSKEGON

CITY COMMISSION MEETING

AUGUST 11, 2015

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, MI at 5:30 p.m., Tuesday, August 11, 2015.

Mayor Stephen Gawron opened the meeting with prayer, after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Gawron, Vice Mayor Lawrence Spataro, Commissioners Johnson, Hood, and Turnquist, City Manager Franklin Peterson, City Attorney John Schrier, and City Clerk Ann Meisch.

Absent: Commissioner German and Commissioner Rinsema-Sybenga

2015-56 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve the minutes of the July 28, 2015 City Commission Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Legal Services City Manager

SUMMARY OF REQUEST: The City Commission requested staff to negotiate a five year agreement for Legal Services with Parmenter O'Toole to provide both general legal and prosecution services. Staff is asking the Commission to approve the five year agreement.

FINANCIAL IMPACT: \$300,000 annually

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the Legal Services Agreement with Parmenter O'Toole and authorize the City Clerk and Mayor to sign.

D. Bike Time – Rescind “Request for a 5-year commitment for Bike Time, 2015-2019” Planning and Economic Development

SUMMARY OF REQUEST: To terminate and rescind the "Request for a 5-year commitment for Bike Time, 2015-2019" granted by the City Commission on October 14, 2014.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: It is recommended that the October 14, 2014 City Commission's motion granting a 5-year commitment for Bike Time, 2015-2019 be rescinded.

E. Rebel Road – Request for a 5-year commitment for Rebel Road, 2016-2020 Planning and Economic Development

SUMMARY OF REQUEST: Rebel Road has requested a five-year commitment from the City to host Rebel Road downtown. There are no major changes from the way Rebel Road was run in 2015, and the streets affected are the same as past years. This year, 2015, was the first year that Rebel Road replaced Bike Time and was organized by the Child Abuse Council in coordination with a number of downtown business owners. They are asking for the 5-year agreement to make planning the event easier. Knowing their plans well in advance should also help City staff with their planning.

Items requiring City Commission approval are the same as in previous years: that the City waive DPW equipment rental costs, that Rebel Road be able to use their own labor pool when possible rather than using City staff, and some deviation from street closure times listed in the City's special event policy.

FINANCIAL IMPACT: Request for the waiver of equipment rental fees.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: It is recommended that staff be allowed to make the final decision regarding actual street closures, rental fees and costs to be coordinated through the City Manager. In addition, staff recommends that if Rebel Road picks up items such as picnic tables, bleachers, and trash cans for distribution at the proper locations, there will be no equipment rental charge to Rebel Road. This must first be approved by and coordinated through City staff. It is also recommended that City staff review staffing levels for City personnel with the Rebel Road staff, with the City making the final decision on the number of City staff needed for the event.

Regarding street closures, staff recommends approval with the condition that Rebel Road notify affected downtown businesses of the dates and times of street closures and the date and time that No Parking restrictions go into effect on those streets.

F. Sale of Property at 1690 Creston Street Planning and Economic Development

ITEM REMOVED PER REQUEST OF STAFF

G. Sale of Property at 881 Pine Street Planning and Economic Development

SUMMARY OF REQUEST: Staff is seeking approval to sell the buildable, commercially zoned lot at 881 Pine Street to the adjacent business, B.K. Muskegon Properties, LLC, at 928 Terrace Street. They will be remodeling the store and will use the new lot to add an additional drive thru lane. The lot measures roughly 8,700 square feet and the applicant has offered \$40,000 for the parcel.

FINANCIAL IMPACT: Staff recommends a sale price of \$40,000

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval and signature of the purchase agreement and resolution.

I. Approval of a Neighborhood Enterprise Zone Certificate Planning and Economic Development

SUMMARY OF REQUEST: An application for a Neighborhood Enterprise Zone (NEZ) certificate has been received from Bruce Lindstrom for the new construction of a home at 331 Terrace Point Circle. The property is located in a Neighborhood Enterprise Zone for new construction. The application states that the estimated cost for construction will be \$382,446 in materials. The applicant has met local and state requirements for the issuance of the NEZ certificate. Approval or denial by the City Commission is required within 60 days of the application date and must be forwarded to the State Tax Commission.

FINANCIAL IMPACT: Taxation will be 50% of the State average for the next 12 years.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the NEZ Certificate.

Motion by Vice Mayor Spataro, second by Commissioner Johnson to accept the Consent Agenda as read with the exception of items C and H.

ROLL VOTE: Ayes: Gawron, Hood, Spataro, Turnquist, and Johnson.

Nays: None

MOTION PASSES

2015-57 ITEMS REMOVED FROM CONSENT AGENDA:

C. Section – 10-351 (F) (3) Registration of Rental Dwellings Ordinance Amendment Public Safety

SUMMARY OF REQUEST: The Director of Public Safety requests that the City Commission review and authorize the proposed amendment to Chapter 10 – Buildings, Article VI, Division 2, subdivision III “Rental Property”, of the City of Muskegon.

This ordinance amendment focuses on sub section (F) (3) which would allow an

“Alternative Escrow Option”; in lieu of dwelling fire insurance. The sub-section and associated bullet points (1-7) explain the escrow option for landlords who cannot obtain insurance or opt not to acquire dwelling insurance to repair or demolish a property after a catastrophic fire event.

FINANCIAL IMPACT: Relieve the City of Muskegon from bearing the expense to demolish uninsured rental properties that are damaged during a working fire.

BUDGET ACTION REQUIRED: N/A

STAFF RECOMMENDATION: Staff recommends approving this ordinance amendment as written.

Motion by Vice Mayor Spataro, second by Commissioner Turnquist approve the ordinance amendment as written. Second Reading Required.

ROLL VOTE: Ayes: Hood, Spataro, Turnquist, Johnson, and Gawron

Nays: None

MOTION PASSES

H. Amendment to the Janitorial Services Contract 2014-2017 Engineering

SUMMARY OF REQUEST: Amend the current janitorial services contract with Reliant Professional Cleaning Services to include the cleaning of the filtration plant facilities at an additional cost of \$1,189.00 per month, starting September 2015 thru April 2017.

FINANCIAL IMPACT: A total of \$23, 780 over the life of the contract.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Amend the current contract to include the cleaning of the filtration plant facilities as outlined for a monthly cost of \$1,189.00.

Motion by Commissioner Turnquist, second by Commissioner Johnson to amend the current contract to include the cleaning of the filtration plant facilities for a monthly cost of \$1,189.00.

ROLL VOTE: Ayes: Spataro, Turnquist, Johnson, Gawron, and Hood

Nays: None

MOTION PASSES

2015-58 NEW BUSINESS:

A. Designation of Voting Delegates for the Michigan Municipal League Annual Business Meeting City Clerk

SUMMARY OF REQUEST: To designate by action of the Commission, one of our officials who will be in attendance at the Convention as an official representative to cast the vote of the municipality at the Annual Meeting; and, if possible, to designate one other official to serve as alternate.

FINACIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval.

Motion by Commissioner Turnquist, second by Commissioner Johnson to approve Frank Peterson as delegate and Mohammed Al-Shatel as alternate delegate to cast the vote of the municipality at the Annual Meeting.

ROLL VOTE: Ayes: Spataro, Turnquist, Johnson, Gawron, and Hood

Nays: None

MOTION PASSES

PUBLIC PARTICIPATION: Public comments were received.

ADJOURNMENT: The City Commission Meeting adjourned at 5:57 p.m.

Respectfully submitted,

Ann Marie Meisch, MMC
City Clerk